

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for March 2, 2005 PLANNING COMMISSION MEETING

P.A.S.: Misc #05004

PROPOSAL: Vacate portions of a plat and adjacent public right-of-way.

LOCATION: 43rd and Sumner Streets

LAND AREA: 6.13 acres, more or less

CONCLUSION: The vacation of this plat and right-of-way conforms to the Comprehensive Plan and Zoning Ordinance.

RECOMMENDATION:

Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: Lots 1-3 and 5-12, Block 1, and Lots 1-6, Block 2, Woods Brothers Bryan Sumner Acres, vacated 43rd Street right-of-way and the remaining portion of 43rd Street right-of-way between Sumner and Franklin Streets, located in the NW1/4 of Section 32 T10N R7E, Lancaster County, Nebraska.

EXISTING LAND USE AND ZONING: Church R-2 Residential

SURROUNDING LAND USE AND ZONING:

North:	Single-family dwellings	R-2 Residential
South:	Single-family dwellings	R-2 Residential
East:	Single-family dwellings	R-2 Residential
West:	Single-family dwellings	R-2 Residential

HISTORY:

May 2004	Street and Alley Vacation #04001 vacated the north portion of 43 rd Street between Sumner and Franklin Streets.
Apr 2003	Special Permit #846B approved an increase in lot coverage for the church from 20% to 25%.
Jun 1990	Administrative Amendment #90037 expanded the area of Special Permit #846A by including an additional lot.

- Sep 1988 Administrative Amendment #603 revised the parking lot layout, landscaping plan, and building envelopes approved by Special Permit #846A.
- Sep 1987 Special Permit #846A approved an increase in lot coverage for the church from 15% to 20%.
- Jul 1979 Special Permit #846 approved the operation of a pre-school program for up to 12 children.
- May 1979 The zoning update change the zoning designation for this property from A-2 Single-Family Dwelling to R-2 Residential.
- Aug 1925 Woods Brothers Bryan Sumner Acres plat filed with the Lancaster County Register of Deeds.

ANALYSIS:

1. This is a request to vacate the plat of these lots and the adjacent right-of-way in order to facilitate the expansion of an existing church.
2. Approval of this plat vacation would eliminate 17 individual lots, a vacated public right-of-way parcel, and will vacate additional public right-of-way.
3. The north portion of 43rd Street between Sumner and Franklin Streets was vacated in 2004 by this Petitioner. At that time, because Petitioner did not own all property abutting 43rd Street, only a portion was vacated. Petitioner did indicate they would seek to vacate the remaining portion once they acquired ownership of all abutting parcels. Petitioner has acquired the final parcel abutting 43rd Street on this block.
4. The previous vacation created several lots without frontage and access to a public street, but was approved based on full public access easements granted by Petitioner over the entire vacated area. Vacating the remaining portion of South 43rd Street would also create lots without frontage and access, which does not conform to the subdivision ordinance. However, vacating the plat satisfies this concern since the newly created lot will meet the subdivision requirements for frontage and access.
5. There are existing Aquila, LES, and Public Works utilities within the right-of-way and vacated right-of-way. A blanket easement was retained over the previously vacated right-of-way for existing facilities. A similar easement will be required over the portion of right-of-way vacated with this petition. Petitioner has the option of abandoning and relocating the existing utilities at Petitioner's cost.

6. The existing street returns at Sumner and Franklin Streets must be removed and reconstructed as driveways or replaced with curb, gutter, and sidewalk. Petitioner must post a bond to guarantee this work prior to conveyance of the right-of-way. A bond for the 43rd Street return at Sumner Street was not posted with the previous application in anticipation that it would be included in this petition.
8. Petitioner paid a nominal fee for the previously vacated right-of-way, with the knowledge that the balance would be collected as part of this petition.

BEFORE THE VACATION REQUEST IS SCHEDULED ON THE CITY COUNCIL AGENDA THE FOLLOWING MUST BE COMPLETED:

- 1.1 Satisfy the provisions of Chapter 14.20 of the Lincoln Municipal Code, including payment of the remaining balance for previously vacated 43rd Street.
- 1.2 Provide a bond in the amount of \$10,000 to guarantee the removal of the existing paving and street returns at Sumner and Franklin Streets, and the construction of driveway returns or curb, gutter, and sidewalk within two (2) years of the approval of this petition
- 1.3 Contact LES to schedule the removal of two street lights.

PRIOR TO THE CONVEYANCE OF TITLE TO VACATED PUBLIC RIGHTS-OF-WAY, THE PETITIONER SHALL:

- 2.1 Provide utility easements over the entire vacated area for existing and future utility uses.

Prepared by:

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Date: February 14, 2005

**Petitioner
and
Owner:** Christ Lutheran Church
4325 Sumner Street
Lincoln, NE 68506
483.7774

Miscellaneous #05004
Plat Vacation

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2002 aerial

Miscellaneous #05004 S. 43rd & Sumner

Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
Sec. 32 T10N R7E



Zoning Jurisdiction Lines

City Limit Jurisdiction

